

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-003-0022

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed October 23, 2003 (Docket No. 7284) in connection with defendant Jose A. Sanchez and subfile CHRB-003-0022 and as grounds therefore Plaintiff states as follows:

1. At the request of defendant Jose A. Sanchez and the Barranco ditch association, the State has reevaluated its original determination of the source of water for the lands included under subfile CHRB-003-0022. The State has concluded that the source of water for the irrigated lands is in fact the Barranco ditch rather than the Brazito ditch lateral as described in the Consent Order filed October 23, 2003. The State has prepared a revised Consent Order that correctly describes the source of water for these lands, and has grouped these lands in the Cañones Creek subsection of Section 7 under a new subfile CHCC-004-0017, together with all other tracts of land irrigated by the Barranco ditch. Defendant Jose A. Sanchez has approved the revised proposed Consent Order for the new subfile, CHCC-004-0017.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed October 23, 2003 (Docket No. 7284).

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of January, 2008 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Jose A. Sanchez
HC 75 Box 1313
Los Ojos, NM 87551

/s/ Ed Newville
EDWARD G. NEWVILLE